



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

January 17, 2023

EA-21-180

Brad Bingham
Closure Manager
Homestake Mining Company of California
P.O. Box 98, Hwy 605
Grants, NM 87020

SUBJECT: HOMESTAKE MINING COMPANY OF CALIFORNIA - ACKNOWLEDGEMENT OF
RESPONSE TO NRC INSPECTION REPORT 040-08903/2021-002 AND
DISPUTED CITED VIOLATIONS REVISED

Dear Mr. Bingham:

This letter acknowledges the receipt of your December 5, 2022, correspondence (Agencywide Document and Access Management System [ADAMS] Accession No. ML22341A069), provided in response to U.S. Nuclear Regulatory Commission (NRC) Inspection Report 040-08903/2021-002 and Disputed Cited Violations Revised (ML22277A506) dated October 5, 2022. The revised Notice of Violation involved your failure to enumerate pertinent radiation safety practices to be followed using written procedures or radiation work permits for work or nonroutine maintenance jobs where the potential for significant exposure to radioactive material exists, as required by License Conditions 23 and 24.

In your letter dated December 5, 2022, you did not contest that a non-compliance of License Condition 23 requirements occurred for each cited example, and you have taken corrective action to address respective deficiencies in the subject procedures. However, you disagreed with some of the rationale cited by the NRC staff in support of the cited violation with respect to compliance with License Condition 24 requirements and the notion that any activity at the site not explicitly covered by a written procedure must be conducted under a radiation work permit.

In accordance with Section 2.8 of the NRC Enforcement Manual, the NRC is currently reviewing your basis for disagreeing with the rationale cited by NRC staff in support of the revised violation. We will provide the results of our evaluation by written response within 90 days of the receipt of your letter.

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Agency Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions concerning this inspection, please contact Ms. Linda Gersey at 972-200-1299 or the undersigned at 817-200-1189.

Sincerely,



Signed by Warnick, Gregory
on 01/17/23

Gregory G. Warnick, Chief
Decommissioning, ISFSI, and Operating
Reactor Branch
Division of Radiological Safety and Security

Docket No. 040-08903
License No. SUA-1471

cc:

A. Maurer, NMED
S. Rodriguez, NMED
A. Rheubottom, NMED
D. Crosby, NM OSE
M. Purcell, EPA
P. Kerl, DOE
M. Kautsky, DOE

HOMESTAKE MINING COMPANY OF CALIFORNIA - ACKNOWLEDGEMENT OF
 RESPONSE TO NRC INSPECTION REPORT 040-08903/2021-001 AND DISPUTED CITED
 VIOLATIONS REVISED, DATED JANUARY 17, 2023

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HOMESTAKE MINING COMPANY OF CALIFORNIA ACKNOWLEDGEMENT OF RESPONSE TO NRC
 INSPECTION REPORT 040-08903/2021-001 AND DISPUTED CITED VIOLATIONS REVISED

ADAMS ACCESSION NUMBER: **ML22353A614**

<input checked="" type="checkbox"/> SUNSI Review By: LMG	ADAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Sensitive <input checked="" type="checkbox"/> Non-Sensitive	<input type="checkbox"/> Non-Publicly Available <input checked="" type="checkbox"/> Publicly Available	Keyword NRC-002
OFFICE	DRSS/DIOR	DRSS/DIOR	C:DIORB	
NAME	LGersey	RJEvans	GGWarnick	
SIGNATURE	LMG	RJE	GGW	
DATE	12/19/2022	1/13/2023	1/17/2023	

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